

IN RE: PETITION FOR ZONING VARIANCE
N/S Cranbrook Rd. 152' +/-
W of c/l of Ridgeland Road
Cranbrook S/C, 528 Cranbrook Rd.
8th Election District
3rd Councilmanic District
Legal Owner: Cranbrook, Inc.
Lessee: McDonald's Corporation
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-491-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a Petition for Zoning Variances (1) to amend the approved plan in zoning case No. 77-126-A; (2) Section 409.6 to permit 519 parking spaces in lieu of the required 539 spaces; (3) Section 409.10.B to permit drive-through lane to cross the principal pedestrian access to the facility; (4) Section 409.4 to permit direct access parking on a vehicular travelway; (5) Section 409.4.A to permit a driveway 10 feet in width for one-way movements in lieu of the required 12 feet; (6) Section 409.8.A.1 to permit landscaping in accordance with Landscape Manual, Section V.A.3; (7) Section 413.2.e to permit the existing identification sign (shown on the Plat as Variance No. 7) to be situated on the opposite side of a thoroughfare from residential zoned land; (8) Section 413.2.e to permit the existing identification sign (shown on the Plat as Variance No. 8) to have 177.2 square feet in area per face in lieu of the permitted 150 square feet in area; and to permit the said existing identification sign to be situated on the opposite side of the thoroughfare from residential zoned land; and to permit said identification sign to be situated on the frontage thoroughfare in lieu of on the permitted side thoroughfare, as more particularly described on Petitioner's Exhibit No. 1, 2 and 3.

The Petitioner, McDonald's Corporation, Lessee, was represented by E. Harrison Stone, Esquire. Appearing and testifying on behalf of the Petitioner was J. Smiley, Rick Chadsey, Jeff Bartko, Linda Schneider, Vice-President of Cranbrook, Inc., and Luis Laboy. There were no Protestants.

Testimony indicated that the subject property, Cranbrook, Inc., Legal Owner, consists of 11.1 acre tract, zoned B.L. and is currently improved with an existing retail shopping center, as shown on Petitioner's Exhibits No. 1 and 2. The site has been improved with a shopping center for more than 15 years and the proposal by the Petitioner is to place a full service McDonald's Restaurant on the southwestern portion of the property, as shown in detail on Petitioner's Exhibit No. 3.

Testimony indicated that the request for the actual variances for the restaurant concern the request to amend zoning case No. 77-126-A and from Section 409.4 to permit a driveway of 10 feet in width for a one way movement in lieu of the required 12 feet. The remainder of the variances request in this case are to bring the presently existing shopping center into compliance with the current parking regulations.

Mr. Joseph Smiley and Mr. Rick Chadsey testified as to the nature and extent of the requested variances and the various relief requested.

Mr. Joseph Smiley and Mr. Jeff Bartko testified that, based on his experience in developing these types of projects within Baltimore County, it is his opinion the proposal, as shown on Petitioner's Exhibits No. 1 and 3, would not cause any adverse impact or be detrimental to the health, safety and general welfare of the citizens of Baltimore County. He testified that the conditions as set forth in Section 307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) would be satisfied.

Mr. A.F. (Pat) Keller, Deputy Director of the Department Planning and Zoning has requested that a detailed landscaping plan be approved for this entire shopping center and not just for the proposed addition of the McDonald's Restaurant. The Petitioner has agreed to landscape, as shown on Petitioner's Exhibit No. 2 which will be incorporated in this Order as a condition upon the relief. However, any additional landscaping required by Mr. Keller will be enforced as part of this Order.

Mr. Joseph Smiley and Mr. Rick Chadsey both testified that, in their opinions, the variances requested would not be detrimental to the health, safety and general welfare of the community, and that the requirements of Section 307.1 of the B.C.Z.R. are satisfied by the proposal as set forth in Petitioner's Exhibits No. 1 and 3.

During the testimony and evidence presented by the Petitioner's expert witnesses, the Petitioner has determined that the recalculation of parking as provided by Section 409 of the B.C.Z.R. negates the necessity for variance relief No. 2. The Zoning Commissioner is not making a finding in this Order as to whether or not the Petitioner is correct in their determination that this relief is unnecessary. However, since the Petitioner has moved to dismiss that relief, the relief will be dismissed as requested by the Petitioner during the hearing.

Based upon the testimony and evidence presented at the hearing, all of which is uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307.1 of the B.C.Z.R. and, therefore, should be granted. There is no evidence in the record that the subject variances would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of July, 1990 that the Petition for a Zoning Variance from Section 409.6 to permit 519 parking spaces in lieu of the required 539 spaces be and is hereby DISMISSED, without prejudice; and

IT IS FURTHER ORDERED that the Petition for Zoning Variances to amend the approved plan in zoning case No. 77-126-A; Section 409.10.B to permit drive-through lane to cross the principal pedestrian access to the facility; Section 409.4 to permit direct access parking on a vehicular travelway; Section 409.4.A to permit a driveway 10 feet in width for one-way movements in lieu of the required 12 feet; Section 409.8.A.1 to permit landscaping in accordance with Landscape Manual, Section V.A.3; Section 413.2.e to permit the existing identification sign (shown on the Plat as Variance No. 7) to be situated on the opposite side of a thoroughfare from residential zoned land; Section 413.2.e to permit the existing identification sign (shown on the Plat as Variance No. 8) to have 177.2 square feet in area per face in lieu of the permitted 150 square feet in area; and to permit the said existing identification sign to be situated on the opposite side of the thoroughfare from residential zoned land; and to permit said identification sign to be situated on the frontage thoroughfare in lieu of on the permitted side thoroughfare, in accordance with Petitioner's Exhibits No. 1, 2 and 3 are hereby GRANTED, subject, however, to the

ORDERED BY THE ZONING COMMISSIONER
Date: 7/18/90
By: J. Robert Haines

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Date: 7/18/90
By: J. Robert Haines

-3-

-4-

following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), which are adopted in their entirety and made a part of this Order.

3. When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order. The Petitioner shall receive approval from the Deputy Director of the Department of Planning and Zoning of the Landscaping Plan as shown on Petitioner's Exhibit No. 2. If the Deputy Director determines that the landscaping plan as shown on Petitioner's Exhibit 2 is insufficient in order to adequately protect the residential landowners living in the general area of this commercial property, then the Petitioner shall provide whatever additional landscaping the Deputy Director deems to be necessary to fulfill the buffering requirements. A copy of the Petitioner's Exhibit No. 2 or whatever other landscaping plan deemed necessary by the Deputy Director must be delivered to the Office of the Zoning Commissioner on or before January 1, 1991 indicating that the plan has been agreed to by both the Deputy Director and the Petitioner.

4. All landscaping must be completely established on the subject site before January 1, 1992 in accordance with landscaping plan as established by either Petitioner's Exhibit No. 2 or the plan established by the Deputy Director of the Department of Planning and Zoning, as set forth in restriction No. 3 above.

5. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection

of the subject property to insure compliance with this Order.

6. CRC approval of the plan and/or a waiver of same, if applicable, is required prior to the issuance of any permits. If the approved CRC plan differs from Petitioner's Exhibit 1, the revised plan shall be red-lined and submitted to the Zoning Commissioner for approval and a determination that it is within the spirit and intent of the original plan.

JRH/mm
cc: Peoples Counsel

J. Robert Haines
Zoning Commissioner
for Baltimore County

ORDERED BY THE ZONING COMMISSIONER
Date: 7/18/90
By: J. Robert Haines

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

July 18, 1990

E. Harrison Stone, Esquire
102 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
McDonald's Corporation
Case No. 90-491-A

Dear Mr. Stone:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH/mm
encl.
cc: Peoples Counsel
cc: Mr. Joseph Smiley
cc: Mr. Rick Chadsey
cc: Mr. Jeff Bartko
cc: Mr. Linda Schneider, Vice President, Cranbrook, Inc.
cc: Mr. Luis Laboy

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY 90-491-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section _____ See attached list.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
1. Strict compliance with current parking regulations would unreasonably prevent use of property for a permitted purpose and would be unnecessarily burdensome.
2. Relief can be granted in such fashion that the spirit of the regulations will be observed and public safety and welfare are observed.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

LESSOR: _____
Contract Purchaser: _____
McDonald's Corporation _____
(Type or Print Name)
Signature: _____
Post Estate Manager
Columbia Corporate Park
8848 Harford Boulevard
Columbia, Maryland 21045
City and State
Attorney for Petitioner: _____
E. Harrison Stone, Esquire
(Type or Print Name)
Address: _____
City and State: _____
Ste. 600, 102 W. Pennsylvania Avenue
Towson, Maryland 21204
City and State
Attorney's Telephone No.: (301) 887-3800

Legal Owner(s): _____
Cranbrook, Inc. _____
(Type or Print Name)
Signature: _____
(Type or Print Name)
Signature: _____
500 Cranbrook Road
Address: _____ Phone No. _____
Cockeysville, Maryland 21030
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: _____
Name: _____ Address: _____ Phone No. _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock _____ M.

(over)

-5-

-6-

- 1) To amend the approved plan in zoning Case No. 77-126-A.
- 2) From Section 409.6, to permit 519 parking spaces in lieu of the required 539 spaces.
- 3) From Section 409.10.B, to permit drive-through lane to cross the principal pedestrian access to the facility.
- 4) From Section 409.4, to permit direct access parking on a vehicular travelway.
- 5) From Section 409.4.A, to permit a driveway 10 feet in width for one-way movements in lieu of the required 12 feet.
- 6) From Section 409.8.A.1, to permit landscaping to accordance with Landscape Manual, Section V.A.3.
- 7) From Section 413.2.e, to permit the existing identification sign (shown on the Plat as Variance no. 7) to be situated on the opposite side of a thoroughfare from residential zoned land.
- 8) From Section 413.2.e, to permit the existing identification sign (shown on the Plat as Variance no. 8) to have 177.2 square feet in area per face in lieu of the permitted 150 square feet in area; and to permit the said existing identification sign to be situated on the opposite side of the thoroughfare from residential zoned land; and to permit said identification sign to be situated on the frontage thoroughfare in lieu of on the permitted side thoroughfare.



District 7th Date of Posting 4/1890
 Posted for Ronnie
 Petitioner McQuinn and Cambridge Etc.
 Location of property 1/2 + 1/4 Richland, R.A.
228 Cambridge Rd.
 Location of Sign Facing Cambridge Rd. upon a 4' to roadway,
on property of Shoppers Center
 Remarks _____
 Posted by M. McQuinn Date of return 4/12/90
 Number of Signs 2

5 8 124***17510:2 01211
Please make checks payable to: Baltimore County

PO 10461,
reg M

Publisher

Garbier Validation:

JRH:gs
cc: F. Harrison Stone, Esq.

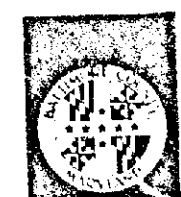
cc: Cranbrook, Inc.
McDonald's Corporation
E. Harrison Stone, Esq

Dennis F. Rasmussen

cc: Ms. Linda G. Schneider
Mr. Joseph Smiley

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
2nd day of May, 1990.

J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

Chairman,
Zoning Plans Advisory Committee

Petitioner: Cranbrook, et al
Petitioner's Attorney: E. Harrison Stone

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554



Dennis F. Rasmussen
County Executive

May 24, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for
items number 352, 356, 357, 358, and 360.

Very truly yours,
Michael S. Flanagan
Traffic Engineer Associate II

MSF/lvw

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: June 8, 1990
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: McDonalds Corporation, Item No. 357

The Petitioner has requested a number of variances in order to
erect a free-standing fast food restaurant.

In reference to this request, staff offers the following
comments:

- Members of the planning staff have met with representatives
of McDonalds, the property owner, and Jack Stamm of G.W.
Stephens. Based upon our meeting, the Petitioner agreed to
provide additional landscape treatment (street trees) along
Cranbrook Drive.

Staff recommends the Petitioner's request be granted, subject to
the following condition:

- A landscape plan shall be submitted to the Deputy Director of
the Office of Planning and Zoning prior to the issuance of
any building permits.

If there should be any further questions or if this office can
provide additional information, please contact Jeffrey Long in the
Office of Planning at 887-3211.

PK/JL/cmm

JUN 10 1990

Jeffrey Long

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

4/17/90
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 357, Zoning Advisory Committee Meeting of May 1, 1990

Property Owner: Cranbrook, Inc.
Location: Cranbrook Shopping Center - 528 Cranbrook Rd. District: 8
Water Supply: metro Sewage Disposal: metro
COMMENTS ARE AS FOLLOWS:

- (X) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment
for new existing or proposed food service facility, complete plans and specifications must be submitted
to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality
Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- () A permit to construct from the Bureau of Quality Management is required for such items as spray paint
processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or
process which emits into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any chabroiler generation
which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new
health care facilities, complete plans and specifications of the building, food service area and type
of equipment to be used for the food service operation must be submitted to the Plans Review and Approval
Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for
review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse,
sauna, whirlpool, hot tub, water and sewerage facilities or other appurtenances pertaining to health
and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department
of Environmental Protection and Resource Management for review and approval. For more complete information,
contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations
for more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination
of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management
at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the
contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior
to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been _____, must be _____, conducted.
() The results are valid until _____
() Soil percolation test results have expired. Petitioner should contact the Division of Water
and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore
County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
() shall be valid until _____
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property
and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacterio-
logical and chemical water samples.
- () If submission of plans to the County Review Group is required, a hydrogeological Study and an Environmental
Effects Report must be submitted. For more information contact the Division of Environmental Management
at 887-3780.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivi-
sion regulations of the State of Maryland and Baltimore County. If there are any questions regarding the
subdivision process, please contact the Land Development Section at 887-2762.
- () Others _____

RECEIVED

APR 24 1990

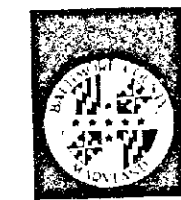
BUREAU OF
ASSESSMENTS

BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5300
(301) 887-4500

Paul H. Rumsche
Chief

APRIL 25, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: CRANBROOK, INC.
Location: CRANBROOK SHOPPING CENTER
528 CRANBROOK ROAD
Item No.: 357 Zoning Agenda: MAY 1, 1990

Gentlemen:
Pursuant to your request, the referenced property has been surveyed by
this Bureau and the comments below are applicable and required to be
corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Rumsche* Noted and Approved *Captain J. F. Rumsche*
Fire Prevention Bureau
Special Inspection Division

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 14, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for May 1, 1990

The Developers Engineering Division has reviewed
the subject zoning items and we have no comments
for Item 352.

For Items 357 and 360, the previous County Review Group
Comments still apply.

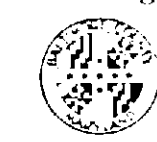
For Item 359, a County Review Group Meeting is
required.

For Item 358, a County Review Group Meeting may be
required. If Lot 2 was part of Parcel "A", the
remainder of Parcel "A" is left with a below standard
paved access (less than 20 feet along 179.85-foot
line).

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21201

887-3353

November 6, 1991

William P. Monk
William Monk, Inc.
Campbell Building
100 West Pennsylvania Avenue
Suite 305
Towson, MD 21204

RE: McDonald's at Cranbrook Shopping Center
Case No. 90-491-A and Plan Refinement

Dear Mr. Monk:

Reference is made to your letter dated October 11, 1991 on behalf
of your client, McDonald's, to Arnold Jablon, Director of Zoning
Administration and Development Management (Z.A.D.M.). You requested an
administrative interpretation that the proposed plan refinement, i.e.
substituting a children's play area for the landscaping on the zoning
hearing plan, would be within the spirit and intent of the original plan
and order.

Please be advised that this office has approved the plan
refinement on October 17, 1991, in concurrence with the Deputy Director of
Planning (memo attached) and included in the permanent zoning case files.

Very truly yours,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

WCR:scj
Enclosure

Microfilm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: October 16, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: McDonald's at Cranbrook Shopping Center
Case No. 90-491-A

Please be advised that I have met with Mr. Monk to discuss
his client's request to modify the approved plan in order to
construct an area for the location of children's play equipment.
Based upon a review of the plan, it is clear that the proposed
improvements would be compatible with the shopping center and the
free-standing McDonald's building. Therefore, I recommend that
this proposal be facilitated through a plan refinement.

PK:JL:cam
CS90491A.NC/TXTCRM

RECEIVED
OCT 17 1991
By: *ocj*

WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

October 11, 1991

Mr. Arnold Jablon
Director of Zoning Administration
& Development Management
111 W. Chesapeake Avenue, Rm 102
Towson, MD 21204

Re: McDonalds, Cranbrook Shopping Center, Case #90-491-A

Dear Mr. Jablon:

On behalf of my client, the franchisee for the McDonalds restaurant located at the above referenced property, I am respectfully requesting an administrative interpretation as to the need for a public hearing to modify the approved plan. My client is requesting that the small landscape plot directly in front of the restaurant be converted to a children's play area (see attached plan) without the need for a public hearing. The plan does not necessitate the removal or relocation of any parking spaces; nor modifications to the travel lanes or other site improvements. We feel that this slight modification to the approved plan is within the spirit and intent of the previous approval and would not be detrimental to the safety health and welfare of the neighborhood.

This would be a typical McDonalds play area as found at some of their other restaurants in the Baltimore metropolitan area. The area would be secured by a 3 foot high brick wall around the perimeter. The brick would be consistent with the existing facade of the building. An attractive wrought iron fence would be placed on top of the wall for additional security and protection for the children. There would be no tables, only benches for watching/supervising the children.

I have already spoken with Mr. Pat Keller and Mr. Jeff Long of the Office of Planning and they do not find this change objectionable nor inconsistent with the overall plan which was approved nor would this modification require any waivers to the Baltimore County Landscape Manual.

At the time the McDonalds restaurant was approved last year they paid for approximately \$40,000 worth of landscaping improvements for the entire shopping center. Both Pat and Jeff feel that McDonalds did an excellent job with their landscaping. I have requested that they forward a formal comment to your office at their earliest convenience.

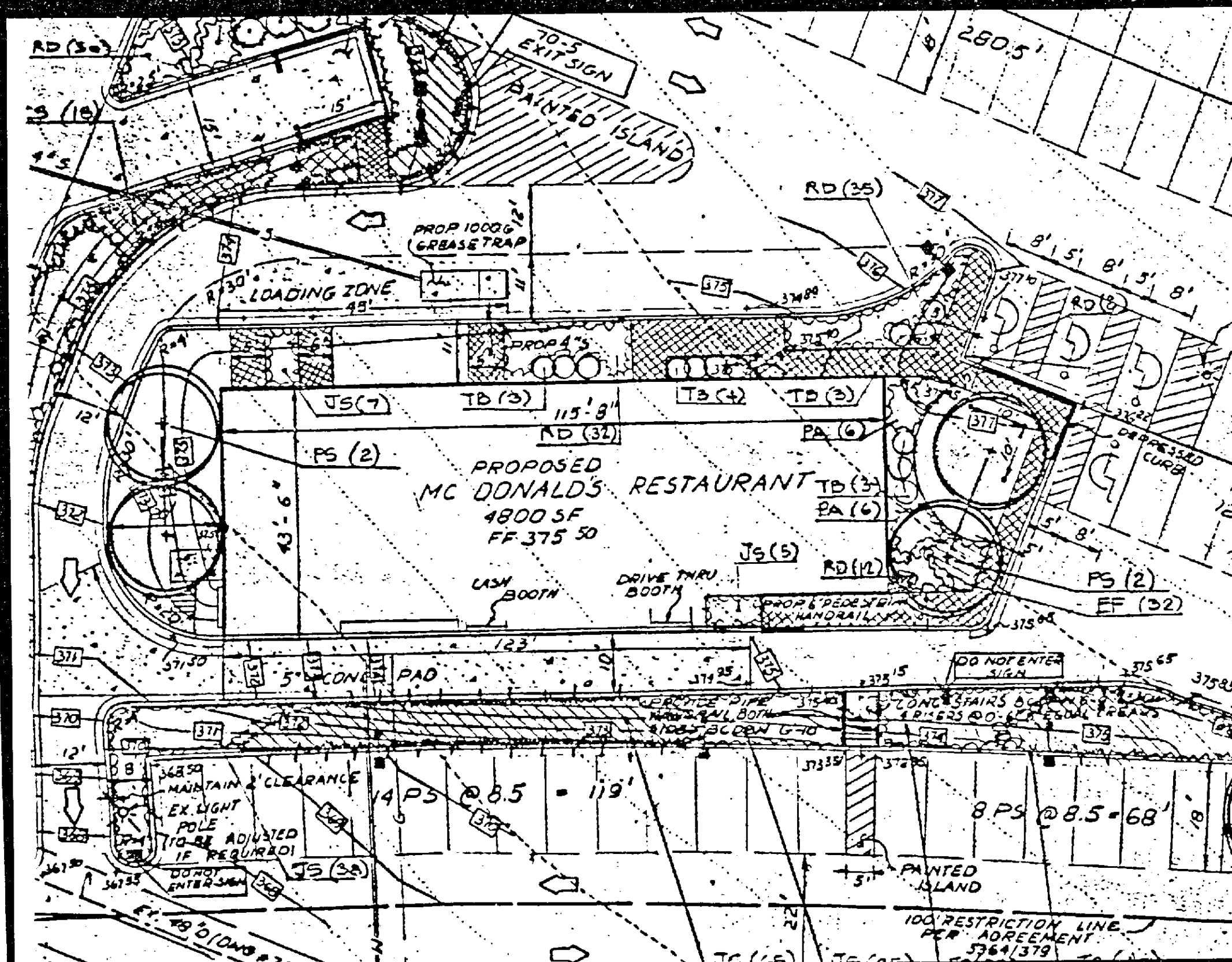
Your attention to this matter is most appreciated.

Cordially,

William P. Monk
WPM/slk

cc: Steve Cornett
Pat Keller

Enclosure



ROYSTON, MUELLER, McLEAN & REID
ATTORNEYS AT LAW

SUITE 400
100 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575

PHONE 422-1850
TELECOPIER FAX 422-7850

June 26, 1990

J. Robert Haines, Esq.
Zoning Commissioner of Baltimore County
Office of Planning and Zoning
Towson, Maryland 21204

RE: Case No.: 90-491-A
McDonald's Restaurant (Cranbrook Shopping Center)

Dear Commissioner Haines:

As you will recall, we had our hearing in the above case this past Monday, June 25, 1990, at which time no protestants appeared. Since then I understand a question has been raised concerning the location of the proposed McDonald's and the applicability of an existing setback restriction.

During the course of testimony, you might recall that I brought out the fact that the proposed McDonald's restaurant, as shown on our CRG approved plat, is to be located 148.50 feet from the northern most edge of Cranbrook Road. The reason for this distance was because of a certain restrictive covenant, which was originally accepted by the owner of the Cranbrook Shopping Center in connection with a previous zoning case. A copy of this Agreement, dated June 1, 1973, is enclosed, and your attention is specifically directed to paragraph 3 on page 4. As you will observe, Cranbrook is obligated not to locate a retail operation, such as the McDonald's "within one hundred (100) feet of the northern most edge and boundary of Cranbrook Road." The McDonald's restaurant is considerably outside of that distance.

I hope this clarifies any questions that you might have concerning this item.

Sincerely,
E. Harrison Stone

EHS/mlw
Enclosure
2295g

cc: Mr. Rick Chadsey
Mr. Joseph Smiley

AGREEMENT

THIS AGREEMENT WITNESSETH, made this 1 day of June 1973, by and between CRANBROOK, INC., and BRIARCLIFF APTS. NORTH, INC., 599 Cranbrook Road, Cockeysville, Maryland, parties of the first part, and M. Stanley Radcliffe, 22 W. Pennsylvania Avenue, Towson, Maryland 21204, as agent and attorney for George W. Rupprecht, 318 Cranbrook Road; Albert B. Carozza, Jr., 326 Cranbrook Road; Edward E. Ashworth, Jr., 330 Cranbrook Road of Baltimore County, Maryland, parties of the second part.

WHEREAS, the parties of the first part are the owners of a parcel of land containing 28 acres of land more or less, being part of the property conveyed by Lawrence H. Roberts to Briarcliff Apts. North, Inc. by deed recorded among the Land Records of Baltimore County in liber 5294, folio 008; and from Jerome J. Gebhart, et al to Briarcliff Apts. North, Inc., recorded among the Land Records of Baltimore County in liber 5297, folio 937; and from Jerome J. Gebhart, et al. to Cranbrook, Inc. by deed recorded among the Land Records of Baltimore County in liber 5243, folio 953; and from Jerome J. Gebhart, et al to Cranbrook, Inc. recorded among the Land Records of Baltimore County in liber 5362, folio 357, and more particularly located on the northeast side of Cranbrook Road, 8th Election District, Baltimore County, Maryland, which said property is described and zoned as more particularly set out hereafter; and

WHEREAS, the eastern parcel of said property containing 5.0 acres of land more or less has been zoned by the County Council for Baltimore County, Maryland as Classification BL as defined by the Zoning Regulations and Classifications of Baltimore County, then existing, on or about March 21, 1971; and,

WHEREAS, the property or parcel containing 4.9 acres of land more or less which lies immediately to the west of the aforementioned parcel No. 1, which said parcel is more particularly described in a Petition for Reclassification in Baltimore County,

TRANSFER TAX NOT REQUIRED

Walter R. Richardson
Director of Finance

Per Muriel A. Keenan
Authorized Signature

PLEASE PRINT CLEARLY

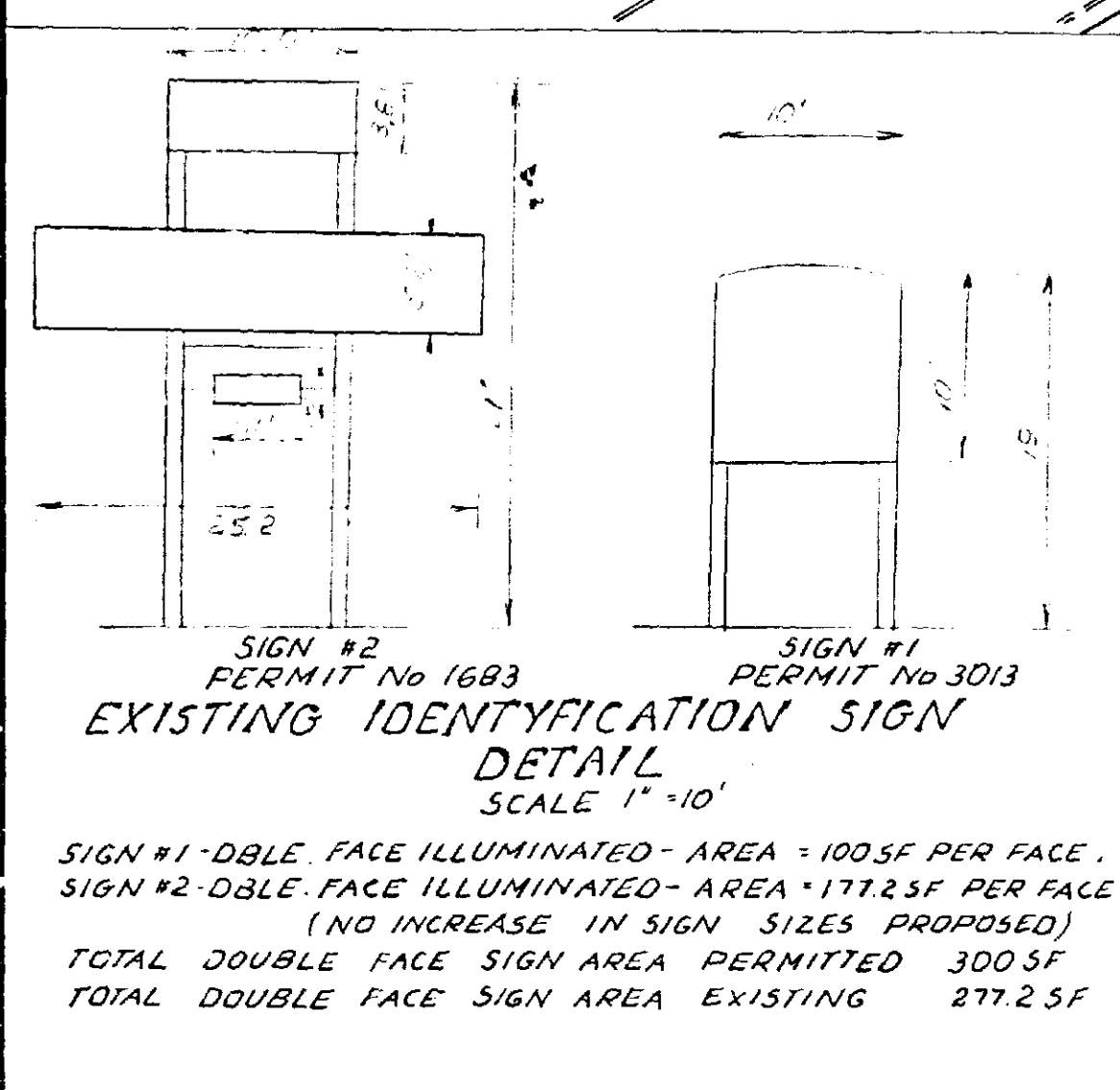
PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
E. HARRISON STONE, ESQ.	183 W. PENN. AVE TOWSON, MD 21204
JOE SHULEY	1401 E. 84TH ST FURDGE RD TOWSON, MD 21204
REK CHADSEY	655 KENILWORTH DR TOWSON, MD 21204
JEFF BARTO	5513 Cockeysville Rd Cockeysville, MD
Kinda Salavides	205 S. KENILWORTH DR TOWSON, MD 21204
Luis Lopez	1401 E. 84TH ST TOWSON, MD 21204

Microfilm 72-205-R
File with 90-491-A

Microfilm 71-281-ASPH
File with 90-491-A

BRIARCLIFF APPTS NORTH
BRIARCLIFF NORTH LTD PARTNERSHIP
36/59
PRESENT ZONING DR-16



OWNER
CRANBROOK INC.
599 CRANBROOK RD.
LOCKEYSVILLE, MD 21030

DEVELOPER
McDONALD'S CORPORATION
6630 STANFORD BLVD
SUITE 2000
COLUMBIA, MD 21045
(301) 290-0544

TYPICAL BUMPER BLOCK PARKING LOCATION
SCALE: HORIZ 1"=10' VERT 1"=5'

SHEET INDEX

SHEET	SP-1	- OVERALL SITE & CRG PLAN
SHEET	SP-2	- GRADING & SITE PLAN
SHEET	SP-3	- SEDIMENT EROSION CONTROL PLAN
SHEET	SP-4	- NOTES & DETAILS
SHEET	SP-5	- NOTES & DETAILS
SHEET	SP-6	- LANDSCAPING PLAN
SHEET	SP-7	- LANDSCAPING PLAN

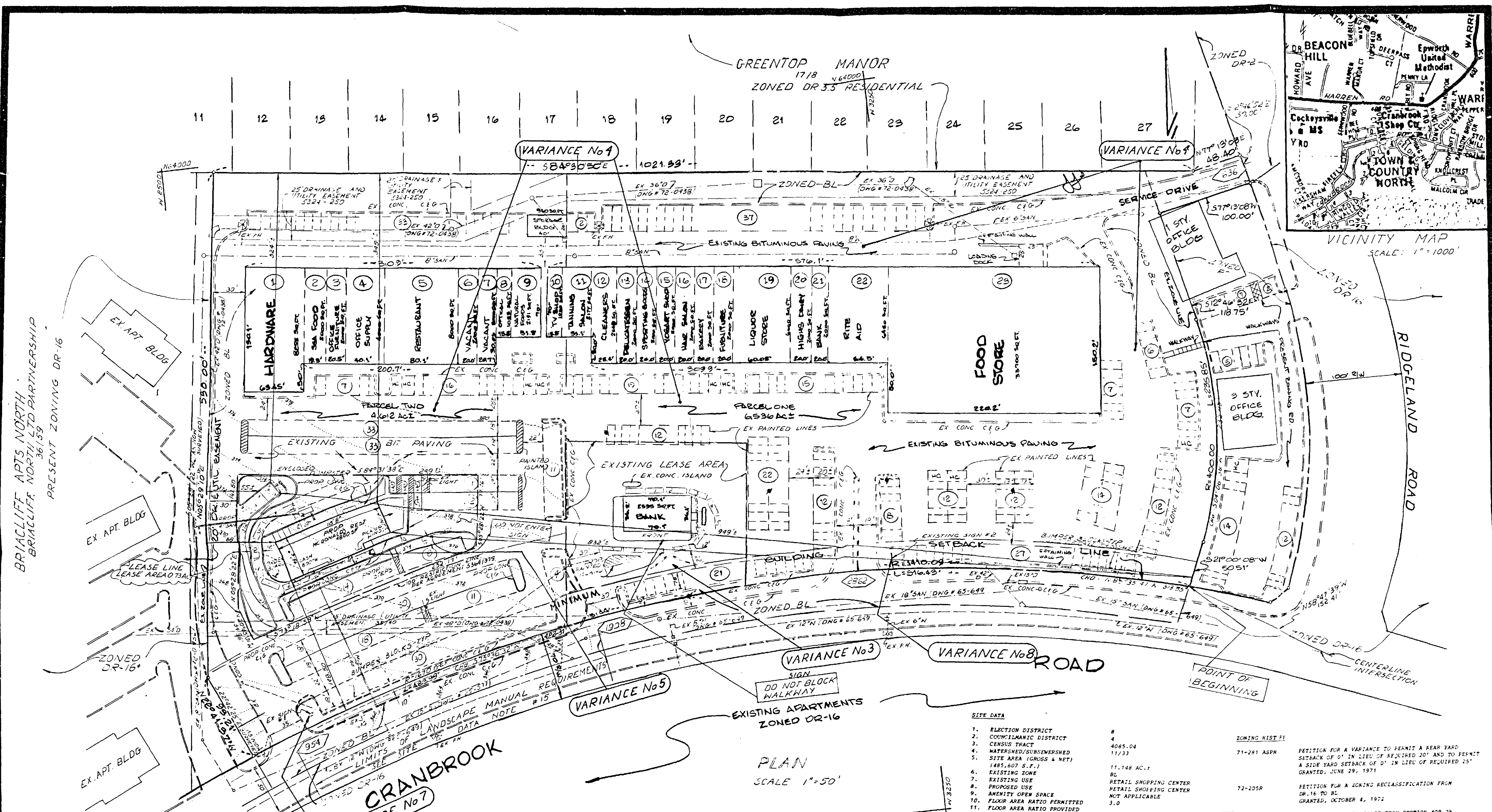
GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
858 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(301) 825-8120

- NOTE:
1. CRG WAIVER NO. W-90-09
 2. STORM WATER MANAGEMENT WAIVER PER LETTER DATED DEC. 20, 1989 FROM MR. THOMAS L. VIDMAR
 3. PRINCIPAL PEDESTRIAN ACCESS SHOWN AT DRIVE THROUGH FACILITIES
- VARIANCE No. 6
- (INCLUDES 12 H.C. SPACES)
- NOTE: PARKING OUTSIDE OF AREA IMPACTED BY PROPOSED McDONALD'S RESTAURANT WILL NOT BE ALTERED EXCEPT TO PLACE CONCRETE BUMPER BLOCKS TO PROVIDE 10' SETBACK OF PARKING SPACE FROM ROAD FRONT OF WAY, SEE DETAIL THIS SHEET.
- LANDSCAPING REQUIRED (SECTION V.A.3)
- EXISTING FLOOR AREA 103,000 S.F.
PROPOSED FLOOR AREA INCREASE 4,800 S.F.
INCREASE IN FLOOR AREA % 4.7%
- (SECTION IX.B.1.1) 335 L.F./40' MAJOR DECIDUOUS = 9
(SECTION IX.B.1.2) 211 P.S./12' MAJOR DECIDUOUS = 16
REQUIRED MAJOR DECIDUOUS TREES 27
- LANDSCAPING PLAN TO BE PREPARED BY LANDSCAPE ARCHITECT IN ACCORDANCE WITH THE MANUAL AS PART OF BUILDING PERMIT PLAN.
- PROPERTY OWNER - CRANBROOK, INC.
DEED REF. 5442/325 AND 5362/257
PROPERTY NO. 08-1800012551 AND 08-1600007631
TOTAL PREDICTED TRAFFIC:
107,800 S.F. X 59 ADT/1000 S.F. = 6360 ADT
(ESTIMATED DISTRIBUTION SHOWN ON PLAN)
19. SITE LIGHTING SHALL BE ADJUSTED AND ADDED TO PROVIDE ADEQUATE ILLUMINATION BUT SHALL BE ORIENTED NOT TO REFLECT ONTO ADJACENT STREETS OR BUILDINGS.

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE AND OVERALL SITE CRG PLAN FOR CRANBROOK SHOPPING CENTER 528 CRANBROOK ROAD COCKEYSVILLE, MD. 21030

JAN 15/1990
REV APRIL 11/1990

ELEC. DIST 8



McDonald's

McDonald's Corporation
McDonald's Plaza
Oak Brook, Illinois 60521

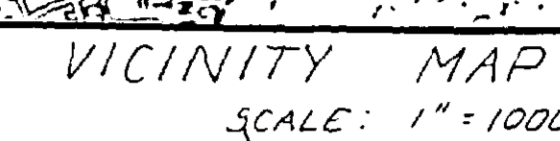
SP-1

Revisions

No.	Date	Items	By

Building Type

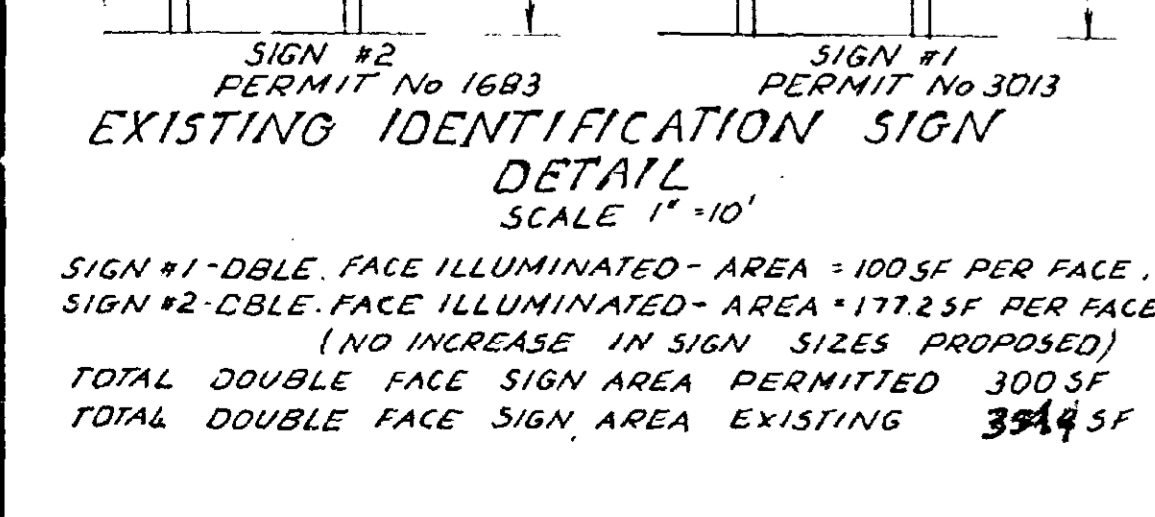
Issue Date	Drawn	Checked

[illegible]

McDonald's Corporation	1
McDonald's Plaza	1
Oak Brook, Illinois 60521	1

©

SP-1



TYPICAL BUMPER BLOCK PARKING LOC.
SCALE: HORIZ. 1"=10' VERT. 1"=5'

SHEET INDEX

SHEET	SP-1	- OVERALL SITE & CRG PLAN
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SHEET	SP-7	- LANDSCAPING PLAN

PROPOSED FLOOR AREA INCREASE 4,800 S.F.
INCREASE IN FLOOR AREA % = 4.7%
(SECTION 12.B.1.A) 335 L.F./40 = MAJOR DECIDUOUS = 9
(SECTION 12.B.1.B) 211 P.S./12 = MAJOR DECIDUOUS = 18
REQUIRED MAJOR DECIDUOUS TREES = 27
LANDSCAPING PLAN TO BE PREPARED BY LANDSCAPE ARCHITECT
IN ACCORDANCE WITH THE MANUAL AS PART OF BUILDING PERMIT PLAN. (SEE NOTE A)
NO NATURAL AREAS WITH SLOPES GREATER THAN 25%.
PROPERTY OWNER - CRANBROOK, INC. (PARCELS ONE AND TWO)
15 DEED REF. 5442/325 AND 5362/257
16 PROPERTY NO. 08-1800012551 AND G6-1600007631
17 TOTAL PREDICTED TRAFFIC:
18 107,800 S.F. X 59 ADT/1000 S.F. = 6360 ADT
(ESTIMATED DISTRIBUTION SHOWN ON PLAN)
19 SITE LIGHTING SHALL BE ADJUSTED AND SIZED TO PROVIDE
ADEQUATE ILLUMINATION BUT SHALL BE ORIENTED NOT TO
REFLECT ONTO ADJACENT STREETS OR BUILDINGS.

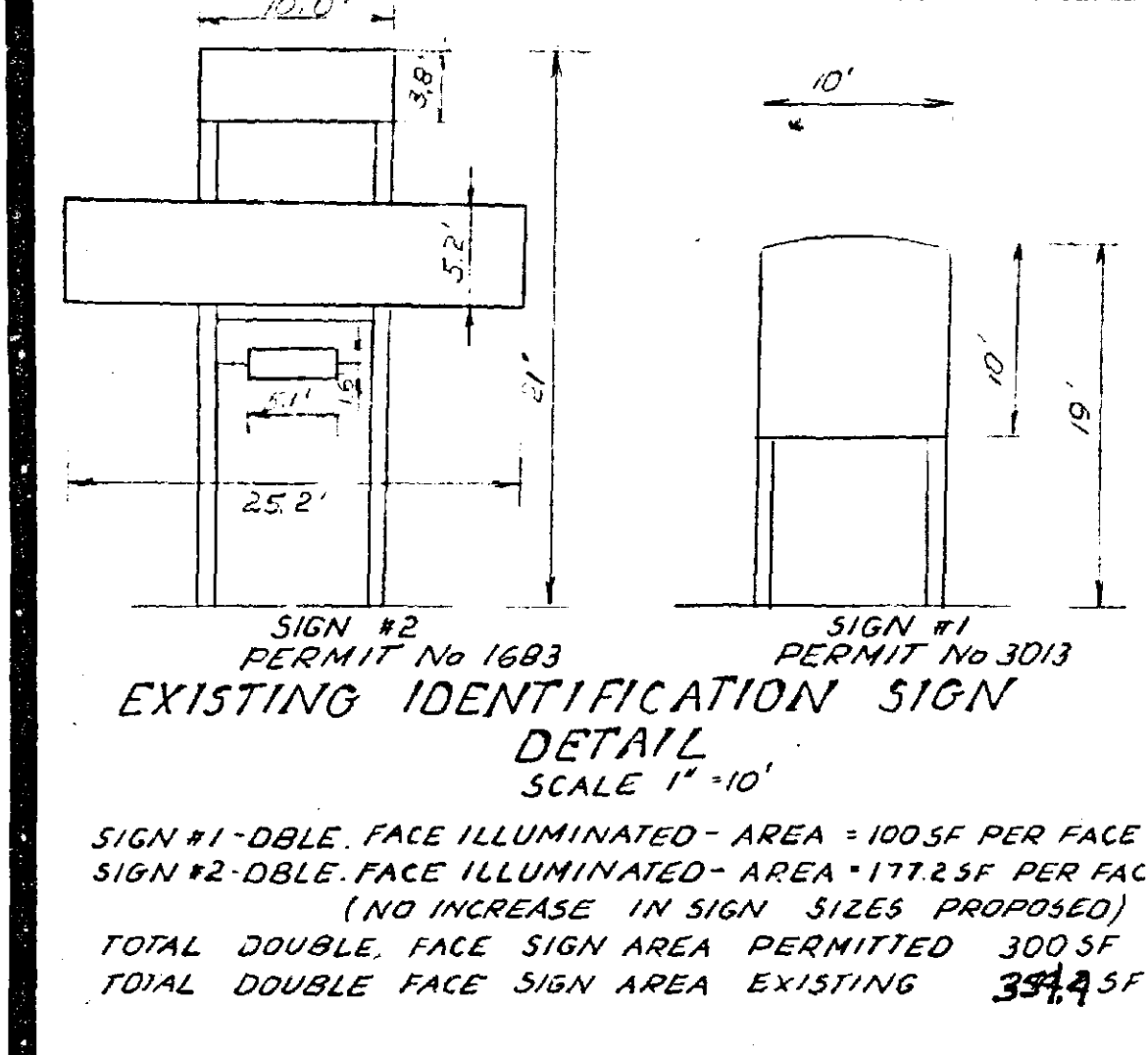
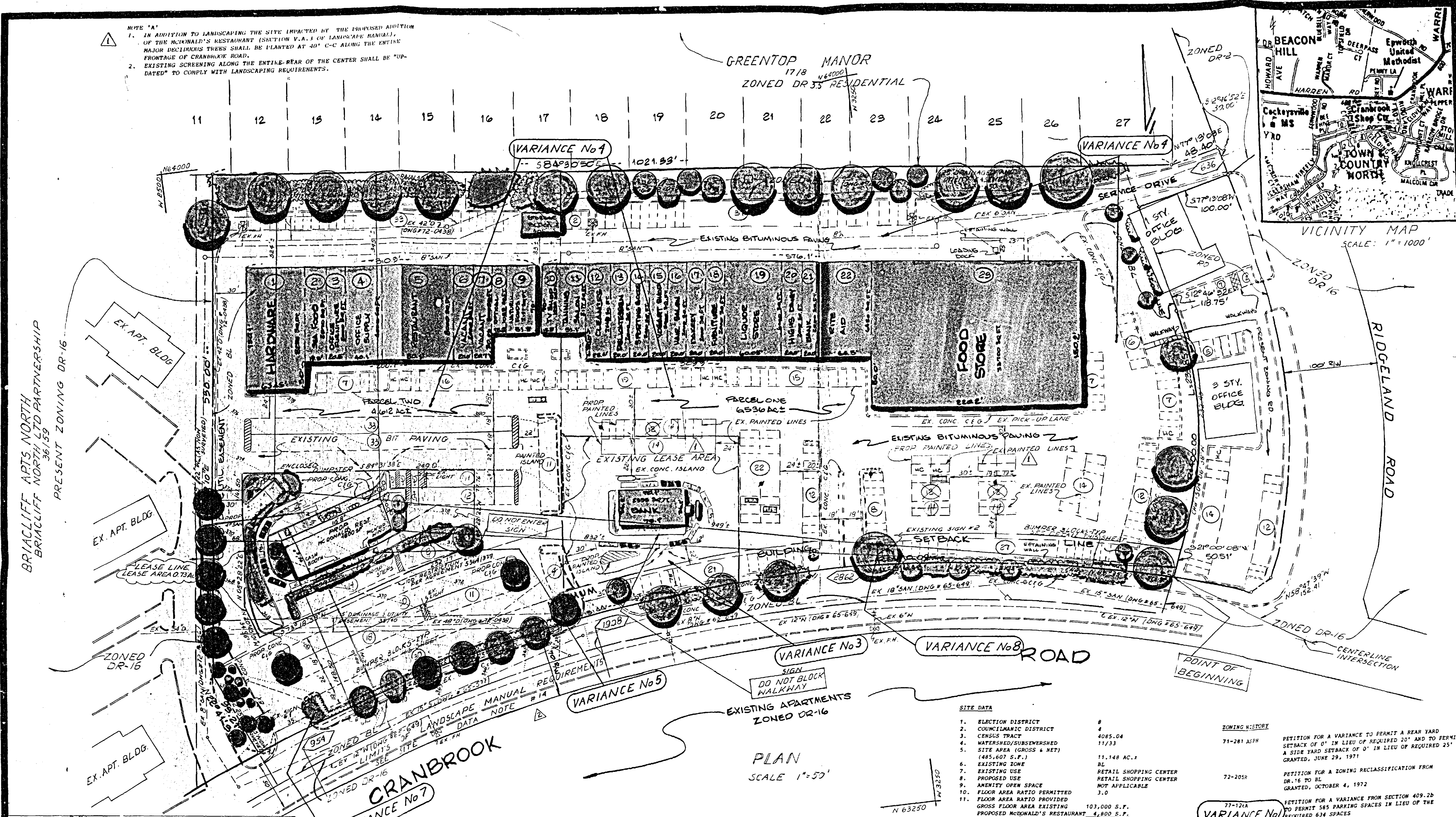
**PETITIONER'S
EXHIBIT 1**

90-491A

PLAN TO ACCOMPANY PETITION
FOR ZONING VARIANCE
AND
OVERALL SITE
AND
CRG PLAN
FOR
CRANBROOK SHOPPING CENTER
528 CRANBROOK ROAD
COCKEYSVILLE, MD. 21030

JAN 15/1990 ELEC. DIST 8
REV. APRIL 11/1990

NOTE "A"
 1. IN ADDITION TO LANDSCAPING THE SITE IMPACTED BY THE PROPOSED ADDITION OF THE MCDONALD'S RESTAURANT (SECTION V.A.3 OF LANDSCAPE MANUAL), MAJOR DECIDUOUS TREES SHALL BE PLANTED AT 40' C-C ALONG THE ENTIRE FRONTAGE OF CRANBROOK ROAD.
 2. EXISTING SCREENING ALONG THE ENTIRE REAR OF THE CENTER SHALL BE "UP-DATED" TO COMPLY WITH LANDSCAPING REQUIREMENTS.



OWNER
 CRANBROOK INC.
 559 CRANBROOK RD.
 COCKEYSVILLE, MD 21030

DEVELOPER
 MCDONALD'S CORPORATION
 8850 STANFORD BLVD.
 SUITE 2000
 COLUMBIA, MD 21045
 (301) 290-0594

TYPICAL BUMPER BLOCK PARKING LOCATION
 SCALE: HORIZ. 1"=10' VERT. 1"=5'

SHEET INDEX

SHEET SP-1	- OVERALL SITE & CRG PLAN
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SHEET SP-5	- NOTES & DETAILS
SHEET SP-6	- LANDSCAPING PLAN
SHEET SP-7	- LANDSCAPING PLAN

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 658 KENILWORTH DRIVE, SUITE 100
 TOWSON, MARYLAND 21204
 (301) 825-8120

SITE DATA

1. ELECTION DISTRICT	8
2. COUNCILMANIC DISTRICT	4085.04
3. CENSUS TRACT	11/33
4. WATERSHED/SUBWERSHED	
5. SITE AREA (GROSS & NET)	11,148 AC. ±
6. EXISTING ZONE	BL
7. EXISTING USE	RETAIL SHOPPING CENTER
8. PROPOSED USE	RETAIL SHOPPING CENTER
9. AMENITY OPEN SPACE	NOT APPLICABLE
10. FLOOR AREA RATIO PERMITTED	3.0
11. FLOOR AREA RATIO PROVIDED	
GROSS FLOOR AREA EXISTING	103,000 S.F.
PROPOSED MCDONALD'S RESTAURANT	4,800 S.F.
TOTAL FLOOR AREA	107,800 S.F.
FAR = 107,800/485,607 =	0.22
107,800 S.F. @ 5 P.S./1000 S.F. =	539 P.S.

ZONING HISTORY

71-281 AEPH	PETITION FOR A VARIANCE TO PERMIT A REAR YARD SETBACK OF 0' IN LIEU OF REQUIRED 20' AND TO PERMIT A SIDE YARD SETBACK OF 0' IN LIEU OF REQUIRED 25' GRANTED, JUNE 29, 1971
72-205R	PETITION FOR A ZONING RECLASSIFICATION FROM DR-16 TO BL GRANTED, OCTOBER 4, 1972
77-121A	PETITION FOR A VARIANCE FROM SECTION 409.2B TO PERMIT 585 PARKING SPACES IN LIEU OF THE REQUIRED 634 SPACES GRANTED, JANUARY 19, 1977

PETITIONER'S EXHIBIT 2
 90-491A
 PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE
 AND
 OVERALL SITE
 AND
 CRG PLAN
 FOR
 CRANBROOK SHOPPING CENTER
 528 CRANBROOK ROAD
 COCKEYSVILLE, MD. 21030
 JAN. 15/1990
 REV. APRIL 11/1990
 ELEC. DIST 8

Revisions

No.	Date	By	Items
1	4.25.90	GWS	PARKING SPACES, LANDSCAPING NOTES, VARIANCE NO. 2
2	6.15.90	GWS	CHANGED REFERENCE SITE NOTE FROM 15 TO 14

McDonald's Corporation
 McDonald's Plaza
 Oak Brook, Illinois 60521

McDonald's

The entire building design and the massing roof design shown in these drawings are service marks of McDonald's Corporation, registered in the U.S. Patent and Trademark Office.

SP-1

ZONING HISTORY

- 71-281 ASPH PETITION FOR A VARIANCE TO PERMIT A REAR YARD SETBACK OF 0' IN LIEU OF REQUIRED 20' AND TO PERMIT A SIDE YARD SETBACK OF 0' IN LIEU OF REQUIRED 25' GRANTED, JUNE 29, 1971
- 72-205R PETITION FOR A ZONING RECLASSIFICATION FROM DR-16 TO BL GRANTED, OCTOBER 4, 1972
- 77-126A PETITION FOR A VARIANCE FROM SECTION 409.2b TO PERMIT 585 PARKING SPACES IN LIEU OF THE REQUIRED 634 SPACES GRANTED, JANUARY 19, 1977

NOTE

1. CRG WAIVER NO. N-90-09
2. STORM WATER MANAGEMENT WAIVER PER LETTER DATED DEC 20 1989 FROM MR. THOMAS L. VIDMAR.
BLDG PERMIT # 8-D44036
CONTROL # C-0198-90

SUBJECT SITE

LOCATION MAP
SCALE: 1" = 500'

BENCH MARK: HUB NO. 10483 ELEV. 403.796
DESCRIPTION: SQUARE CUT IN G. INLET HEADER W. SIDE RIDGLAND ROAD - 50' S OF E WARREN ROAD.

GENERAL NOTES		BY	DATE	DESCRIPTION
1.	MCDONALD'S ROAD SIGN AND BASE ARE BY THE SIGN CONTRACTOR. CONDUIT AND WIRING ARE BY THE GENERAL CONTRACTOR.			
2.	BASES, ANCHOR BOLTS, CONDUIT, AND WIRING FOR ALL OTHER SIGNS ARE BY THE GENERAL CONTRACTOR.			
3.	3/4" EMPTY CONDUIT TO LOCATIONS SHOWN AT THE LOT PERIMETER FOR LOT LIGHTING IS BY THE GENERAL CONTRACTOR. LIGHTING FIXTURES, BASES, POLES, CONDUIT, AND WIRING ARE BY THE OWNER/OPERATOR.			
4.	BASES FOR FLAGPOLES ARE BY THE GENERAL CONTRACTOR. ANCHOR BOLTS ARE BY THE FLAGPOLE SUPPLIER.			
5.	PROPOSED UTILITIES ARE SHOWN IN SCHEMATIC ONLY. EXACT LOCATIONS SHALL BE DETERMINED TO ALLOW FOR THE MOST ECONOMICAL INSTALLATION.			
6.	THE CONTRACTOR SHALL COORDINATE WITH ALL UTILITY COMPANIES TO DETERMINE EXACT POINT OF SERVICE CONNECTION AT EXISTING UTILITY. REFER TO THE BUILDING ELECTRICAL AND PLUMBING DRAWINGS FOR UTILITY SERVICE ENTRANCE LOCATIONS, SIZES, AND CIRCUITING.			
7.	ALL ELEVATIONS SHOWN ARE IN REFERENCE TO THE BENCHMARK AND MUST BE VERIFIED BY THE GENERAL CONTRACTOR AT GROUNDWORK.			
8.	FINISH WALK AND CURB ELEVATIONS SHALL BE 6" ABOVE FINISH PAVEMENT.			
9.	ALL LANDSCAPE AREAS SHALL BE ROUGH GRADED TO 6" BELOW TOP OF ALL WALKS AND CURBS. FINISH GRADING, LANDSCAPING, AND SPRINKLER SYSTEMS ARE BY THE OWNER/OPERATOR.			
10.	LOT LIGHTING CONCRETE FOOTINGS TO CONFORM WITH THE SOILS REPORT RECOMMENDATIONS FOR THIS PARTICULAR SITE.			

CERTIFICATION	
I certify that the planting plan shown herein is consistent with appropriate policy, guidelines and ordinances, and that all plant material to be furnished will be nursery-grown in accordance with the specifications stated in the Baltimore County Landscape Manual, 1984, dated May 7, 1984.	
Applicant	Date
JEFFREY BARTKO	1/22/90
Applicants Name Printed	

LOT LIGHTING RECOMMENDATION	
NEW 1000 WATT METAL HALIDE BY BEACON ILLUMINATION POLE HEIGHT 20'	
NOTE: ELECTRICAL CONTRACTOR TO CIRCUIT LOT LIGHTING AS NOTED.	

PARKING INFORMATION	
TOTAL SPACES	SPACES X .
	SPACES X .
	SPACES X .
4 HANDICAP	SPACES 8' x 18' @ 90°

UTILITY INFORMATION	
SIZE	TYPE LOCATION
SANITARY SEWER	4" GRAVITY
WATER	2" GRAVITY CRANBROOK RD.
STORM SEWER	
ELECTRIC	
GAS	

SURVEY INFORMATION	
PREPARED BY:	
DATE:	1/19/90

LEGEND	
SANITARY SEWER	— S —
WATER	— W —
STORM SEWER	— ST —
ELECTRIC	— E —
GAS	— G —
LOT LIGHT	— SINGLE DOUBLE —
EXISTING ELEVATION	(76.5)
PROPOSED ELEVATION	(77.0)

PLANTING PLAN	
STREET ADDRESS CRANBROOK SHOPPING CENTER	
CITY	STATE
COCKEYSVILLE	MARYLAND
COUNTY	
BALTIMORE	
REGIONAL DWG. NO.	CORPORATE DWG. NO.

PLAN APPROVALS	
SIGNATURE (2 REQUIRED)	DATE
CO-SIGN SIGNATURES	
STATUS	DATE
PRELIMINARY	
PLAN CHECKED	
AS-BUILT	

SP-6	

